

TMDL AND NPS PROGRAM INTERSECTION

PURPOSE

Explore how we can use the TMDL and nonpoint source (NPS) program requirements to make both programs more efficient and effective, leading towards improved environmental outcomes.

KEY POINTS

- EPA is using its authority to make determinations on satisfactory progress on state NPS programs prior to issuing 319 grant funds to influence EPA Region 10 states in furthering their watershed restoration programs.
- As a condition of using § 319 funds to develop TMDLs, the states are required to include supplemental information to support the load allocations specified in the TMDL. This information both supports 1) the development and implementation of watershed based plans (WBP) under the NPS program and 2) the required reasonable assurance demonstration in mixed source TMDLs, as well as supporting the development of implementation-ready TMDLs within the TMDL program. Three of the four Region 10 states use 319 funding for TMDL development.
- In accordance with 319 guidance, EPA may approve an alternative planning approach to the NPS required to guide implementation of watershed restoration or protection efforts and EPA regions should annually review a sample of waterbody based plans (WBPs) from each state in their region and provide feedback and recommendations to help ensure these plans lay a good foundation for efforts to restore and/or protect waters. Three out of four of EPA Region 10's states are required to develop TMDL implementation plans which are used as an alternative plan to the WBP and the Region has an opportunity to plan a key role in influencing the quality of these plans.
- Currently focus in the Oregon CZARA Program, could not only lead to improved NPS environmental outcomes, but a push towards the development of high quality implementation-ready TMDLs.
- EPA Region 10 is in a great place to integrate TMDLs, CZARA and NPS programs because of its organizational structure (these functions are under the same unit and a majority of the state NPS coordinators also work in the TMDL program) and state requirements (three out of four of EPA Region 10's states are required to develop TMDL implementation plans which also serve as WBPs).- Alaska, Oregon, and Washington programs are also organizationally structured to include TMDLs, CZARA and NPS programs under the same unit.

BACKGROUND:

While states are required by the Clean Water Act to develop TMDLs, the CWA does not require the development of TMDL implementation plans and implementing the NPS load reductions contained within the TMDLs. In the case of primarily NPS TMDLs, the NPS program can help to further TMDL implementation leading to watershed restoration in a variety of ways. ~~Described below is one way.~~

~~For example, in~~ order to ensure § 319-funded TMDLs have maximum utility for informing and facilitating the implementation of NPS projects, as a condition of using

Commented [WJ1]: Looks good. One idea for an additional comment (I don't feel strongly about whether to include it.)

Oregon DEQ received numerous comments on their draft 319 program including from Northwest Environmental Advocates (NWEA) questioning the adequacy of Oregon's nonpoint program. 319 approval has also come up as a topic in settlement negotiations with NWEA in WA CZARA.

§ 319 funds to develop TMDLs, the state will include the following supplemental information to support the load allocations specified in the TMDL:

- (1) an identification of total NPS existing loads and total NPS load reductions necessary to meet water quality standards, by source type;
- (2) a detailed identification of the causes and sources of NPS pollution by source type to be addressed in order to achieve the load reductions specified in the TMDL (e.g., acres of various row crops, number and size of animal feedlots, acres and density of residential areas); and
- (3) an analysis of the NPS management measures by source type expected to be implemented to achieve the necessary load reductions, with the recognition that adaptive management may be necessary during implementation.

EPA encourages state NPS staff to work with state TMDL staff during TMDL development. In Alaska, Oregon, and Washington, TMDLs, CZARA, and NPS programs are in the same unit, so state staff are already integrated or organizationally structured to facilitate integration. NPS staff can bring knowledge of BMP effectiveness and feasibility to ensure that NPS load reduction goals in the TMDL are achievable. Additionally, coordination between the two programs will provide a smoother transition from development of the TMDL to its implementation. Also this information can lead to TMDLs that are more likely to be implemented.

Furthermore, this information can be used for the TMDL reasonable assurance demonstration. This demonstration shows that the nonpoint source controls will achieve expected load reductions and meet water quality standards (WQS) through providing a roadmap of what and how these NPS reductions will occur over time. Documenting adequate reasonable assurance increases the probability that regulatory and voluntary mechanisms will be applied such that the pollution reduction levels specified in the TMDL are achieved and, therefore, applicable WQS are attained.

Other issue papers discuss in detail the Oregon and Washington CZARA programs including the current focus on forestry and agriculture in Oregon. The result are the development of implementation-ready TMDLs in Oregon to better address the remaining concerns.

DISCUSSION POINTS

- How ~~we~~ can we use and coordinate the TMDL, CZARA and NPS programs to more efficiently and effectively achieve better environmental outcomes?
 - How EPA Region 10 is using its authority to make determinations on satisfactory progress on state NPS programs to further the goals of Region 10 states in their watershed planning and restoration programs.
 - Specific ways EPA Region 10 can use the 319 guidance requirements, such as the required supplemental information for TMDLs and review of WBPs/TMDL implementation plans, to further the goals of both the NPS and TMDL programs.
 - How current efforts in the Oregon and Washington CZARA programs can lead to improved TMDLs and NPS program outcomes.